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December 8, 2009

United States Environmental Protection Agency
Attn: Evette Jones, Program Manager
17 West Jackson Boulevard (SR-6J)
Chicago, Illinois 60604

Sent via e-mail (jones.evette@epa.gov)

Dear Ms. Jones:

I represent Tankstar USA, Inc. and I am writing in response to the General Notice Letter for the ConocoPhillips Property in Cahokia, Illinois.

Last week my client and I met with Leah Evison, EPA Remedial Project Manager, Region 5, Superfund Division, and Tom Martin, EPA Associate Regional Counsel, Region 5, about this matter.

It is Tankstar's position that it is not legally liable for the contamination of Conoco's tank farm property for the following independent reasons:

- A. Tankstar is not a potentially responsible party for the Conoco site and has and had no connection with the site. In 1998, Tankstar purchased the shares of Rogers Cartage Company but that does not make Tankstar a PRP for events happening before 1971;
- B. The CERCLA claim is barred because Rogers Cartage Company transported product and not waste;
- C. The CERCLA claim is barred by the statute of limitations (whether three years or six) since EPA, IEPA, and Conoco have been studying the Conoco Property and IEPA and Conoco have been engaged in a cleanup all beginning many years ago;
- D. The CERCLA claim is barred because IEPA is administering a clean up of the Conoco property and IEPA has not relinquished authority nor separated out the Conoco property at issue in this case; and,
- E. To the extent the Government intends to assert liability of Rogers Cartage upon Tankstar, Tankstar states that res judicata and collateral estoppel bar the Government from raising or re-raising the same allegations and claims which were previously asserted against Rogers Cartage

SCHULTZ & LITTLE, L.L.P.

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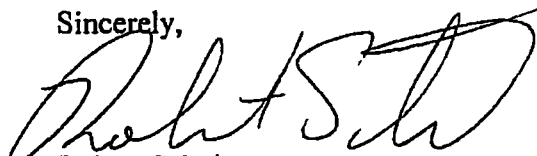
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In the case of USA v. Rogers Cartage Company et al., United States District Court for the Southern District of Illinois Case No. 3:99-cv-00063 in which the District Court entered judgment for Rogers Cartage Company on November 20, 2003;

Finally, we were surprised at the short list of PRPs attached to the letter given the EPA's obligation to identify and notify all PRPs. We believe it is commonly known that Pharmacia and Solutia were located and operated in the area of the Conoco Site and are known generators of PCB materials. Pharmacia and Solutia (successors to the old Monsanto Corporation) have alleged that they, as well as Big River Zinc, Petrolite, Cerro Copper, Ethyl, Union Carbide, DuPont, Shell, Standard, Union 76, Armstrong Cork, Dial Corporation, Reagent Chemical, Vulcan Chemical, and Huntsman Chemical are all PRPs for the contamination of the Conoco Site as generators and arrangers of transport and disposal of PCBs on the Conoco Site. Rogers Cartage believes Pharmacia, Solutia and the other listed companies are all PRPs for the contamination of the Conoco Site and Rogers Cartage respectfully requests that these parties be added to the list of PRP's and notice sent to them.

For the foregoing reasons, Tankstar can not agree to the administrative order of consent or to carrying out the removal action.

Sincerely,



Robert Schultz

RS/lc

cc: Leah Evison, Ph.D at evison.leah@epa.gov

Thomas Martin, Esq at martin.thomas@epa.gov